

desired work function of the capacitor plate.” The Office Action did not cite language in Seyyedy or any other prior art that supports this motivation for modifying Seyyedy. Others of the claims were similarly rejected.

The applicant respectfully submits that a *prima facie* case of obviousness of claims 1-6 and 43-46 has **not** been established in the Office Action, and that claims 1-6 and 43-46 are in condition for allowance.

Claims 10-18 and 27-42 were rejected under 35 USC §103(a) as being unpatentable over Seyyedy in view of Marr et al. (U.S. Patent No. 6,233,194, Marr). The applicant respectfully traverses.

Marr issued on 15 May 2001 which is after the 1 March 2000 filing date of the above-identified application. Marr was applied as prior art under 35 USC §102(e). However, Marr and the above-identified application have the same inventive entity, and therefore Marr is not prior art under §102(e).

In addition, the office action did not cite prior art that provides a motivation for combining Marr and Seyyedy. As an example, the Office Action indicated on page 6 that “[i]t would have been a matter of obvious design choice to employ the antifuse taught by Seyyedy in such a configuration since it is a commonly known circuit layout.” The Office Action did not cite language in Seyyedy, Marr, or any other prior art that supports a motivation for combining Seyyedy and Marr.

The applicant respectfully submits that a *prima facie* case of obviousness of claims 10-18 and 27-42 has **not** been established in the Office Action, and that claims 10-18 and 27-42 are in condition for allowance.

Claims 7-9 were rejected under 35 USC § 103(a) as being unpatentable over Seyyedy in view of Marr. The applicant respectfully traverses.

The applicant respectfully submits that Marr is not prior art and requests that this rejection be withdrawn. Furthermore, as discussed above, the Office Action has not identified a motivation for the combination of Marr and Seyyedy.

The applicant respectfully submits that a *prima facie* case of obviousness of claims 7-9 has **not** been established in the Office Action, and that claims 7-9 are in condition for allowance.

### CONCLUSION

The applicant respectfully submits that all of the pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is invited to telephone the below-signed attorney at 612-373-6973 to discuss any questions which may remain with respect to the present application.

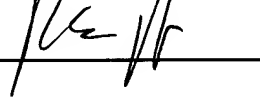
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Respectfully submitted,

KENNETH W. MARR ET AL.

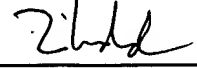
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6973

Date 14 November 2002 By   
Robert E. Mates  
Reg. No. 35,271

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 14 day of November, 2002.

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